

MACKENZIE DISTRICT COUNCIL

MINUTES OF A MEETING OF THE MACKENZIE DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, FAIRLIE, ON TUESDAY 26 NOVEMBER AT 9:30 AM

PRESENT:

Claire Barlow (Mayor)
Crs Graham Smith
Murray Cox
Noel Jackson
James Leslie
Russell Armstrong

IN ATTENDANCE:

Wayne Barnett (Chief Executive Officer)
Nathan Hole (Manager – Planning and Regulations)
Paul Morris (Manager – Finance and Administration)
Garth Nixon (Community Facilities Manager)
Toni Morrison (Senior Policy Planner)
Karina Morrow (Senior Planner)
Keri-Ann Little (Committee Clerk)
David Caldwell (Lane Neave)

I APLOGIES:

Resolved that an apology be received from Evan Williams.

Graham Smith/ Murray Cox

II OPENING:

The Mayor welcomed everyone to the meeting.

III DECLARATIONS OF INTEREST:

There were no declarations of interest.

IV BEREAVEMENTS:

The Mayor referred to the recent deaths of Leonard Russell Patterson, Bert Haining and Sydney Maxwell (Max) Smith.

A moment of silence was observed and a motion of sympathy was passed. The Chief Executive Officer was directed to pass this on to those concerned.

V MAYORAL REPORT:

This was the report of Mayoral activities from 6 November to 25 November 2013.

Resolved that the report be received.

Murray Cox/ James Leslie

Report from Zone and Sector Meetings (November 2013):

Three times a year, I am required to attend LGNZ (Local Government NZ) sector and zone meetings, if possible. From now on, I would like at least one of my councillors to attend these meetings with me as they give a broader understanding of the role we have to play and the statutes, laws and issues that we will be required to address over our term in office.

The week began with the Zone 5 & 6 meeting in Christchurch. Zone 5 & 6 represent all of the regional and territorial authorities in the South Island and the meetings are scheduled for two or three times a year. They used to run separate meetings with one combined effort a year but found that the value was in having all of the South Island represented. As a result of this, SISA (South Island Strategic Alliance) was established. The role of SISA is basically to utilise the combined efforts of all of the SI Councils to investigate and advocate on our behalf in relation to issues that affect us all.

Rural/Provincial Sector meetings are for all rural and provincial authorities throughout NZ and are generally well supported and beneficial in providing up-to-date information and networking opportunities. These meetings are held in Wellington over a Thurs/Fri and I try not to miss them due to the valuable content on their agendas.

I would like each of you to have the opportunity to attend both a Zone and a Sector meeting over your three year term. It will assist in putting into perspective the scope of what we do and have in common with TA's up and down the country.

Brief Overview of Zone 5 & 6 Meeting:

- Presentation of LGNZ brand strategy - Update on the changes of LGNZ structure, purpose and vision.
- Resource Management Act (RMA) reform – Overview of understanding and response to following reports: 'Improving our Resource Management System', 'Freshwater Reform 2013 and Beyond', 'Resource Management Summary of Reform Proposals' and 'Proposed Amendments to the National Policy Statement for Freshwater Management 2011'.

The main point is that, while there is some certainty around the content of the reforms there is no certainty that it will actually gather enough support in Parliament to be introduced before the end of this year. If not, it may become an election issue next year.

- There was discussion around the Rating Resolutions Review that was conducted by the auditors on behalf of the Office of the Auditor General (OAG) as part of the Annual Report audit and the potential issues and legal challenges that can arise if we do not draft our rating resolutions carefully (if you have ever wondered why our consultants budget is so high it is because we have to ensure that our decisions are legally sound and not open to a judicial review).

The 'Kaipara Report' is due out next week and apparently it has some sobering content and lessons for all councils.

Brief Overview of Rural/Provincial Sector Meeting:

- The sessions began with our first R/P Mayoral Forum – an opportunity for free and frank discussion between Mayors and representatives from LGNZ and their board. Very useful.
- There was an update of LGNZ which was a repeat of the info at Zone 5 & 6 earlier in the week.
- There was a presentation from the Ministry of Transport (MoT) on the Government Policy Statement – the new GPS will take effect 1 July 2015 and we should be hearing what its content is in March next year.

- Ministry of Health made a presentation on Rural Agricultural Drinking Water Supplies. Note that any supply that has 50 users or more does not qualify for the rules around RADWS.
- There was a panel discussion around the 3 Waters and the National Infrastructure Plan. This will be a key issue going forward as the OAG has signalled that there will be much closer scrutiny of our Asset Management Plans (AMPS) going forward and that we will need to have in place a 30 year strategy for our assets as part of our Long term Plan (LTP).
- Lew Richards from IANZ (International Accreditation NZ) gave a briefing on building consent accreditation which was quite informative but probably not something you will be interested in at this stage.
- Frances Sullivan from LGNZ gave an update on building consents.
- Kate McKnaught gave a very quick update on the Local Government Act Amendments Bill (didn't write anything down but we will receive info as and when necessary)
- There was an enlightening presentation on Freedom Camping by Bruce Lochore from the NZMCA (NZ Motor Caravan Association) which I only caught the end of.
- There was an uninspiring presentation on Food Bill changes from Cherie Flynn (Ministry of Primary Industries). I didn't pay too much attention as this work is contracted out to Timaru District Council to implement on our behalf.
- Surprisingly, there was a very good presentation from the Law Society around their review of the Burial and Cremation Law. If any of you are interested in further reading, I have some info on this.
- There was a presentation from Statistics NZ on Social Well-being in NZ. This was excellent and raised my awareness of the type of statistical data that they have and how it could be of use to us from time to time.
- Last but not least, there was an update from Jenny Chetwynd from NZTA about the current progress of the FAR (Funding Assistance Rate) for roading activities. As this is a topic dear to the hearts and minds of all of rural/provincial NZ I think they put it last on the agenda to make sure that nobody sloped off early from the meeting! The presenter was excellent and clearly outlined the reasons behind the review, the current status of that and the level of engagement they had utilised.

After all that it was time to catch the shuttle back to the airport, fly to Christchurch and drive home for a break!

VI REPORTS REQUIRING COUNCIL DECISIONS:

1. COMMITTEE STRUCTURE:

This report from the Senior Policy Planner was to establish four standing Committees and appoint Chairpersons for each of those Committees and to establish two Subcommittees pursuant to section 41A, 30 and 31 of the Local Government Act (LGA) 2002.

1. That the report be received.
2. That the Council note the establishment of the Strategy and Policy Committee, the Planning and Regulatory Committee, the Assets and Services Committee, and the Finance Committee pursuant to section 41A of the Local Government Act 2002.

3. That the Council notes the appointment of the following Chairs to each committee, pursuant to section 41A of the Local Government Act 2002:

Strategy and Policy Committee:	The Mayor
Planning and Regulatory Committee:	Cr Murray Cox
Assets and Services Committee:	Cr James Leslie
Finance Committee:	Cr Graham Smith

4. That the Council confirms appointments to each of the four Committees as Committees of the Whole, pursuant to clause 31 of Schedule 7 of the Local Government Act 2002.

Graham Smith/ Russell Armstrong

5. That pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, the Council delegates to each standing committee all powers necessary to effectively carry out the committee's terms of reference and scope, excluding those reserved to Council.

James Leslie/Murray Cox

6. That the Council appoints two subcommittees of the Finance Committee and makes appointments to those subcommittees as follows, pursuant to sections 30 and 31 of the Local Government Act 2002:

(1) Audit and Risk subcommittee:

Membership: The Audit and Risk Management Subcommittee will be made up of not less than three Councillors, one of whom shall be the Chairperson of the Finance Committee.

The Mayor called for nominations for the position of committee member of the Audit and Risk subcommittee.

Motion:

That Cr James Leslie be nominated as a committee member of the Audit and Risk subcommittee.

Graham Smith/ Noel Jackson

There were no further nominations. The motion was put and carried and the Mayor declared Cr James Leslie to be a committee member of the Audit and Risk subcommittee.

Members: Cr Graham Smith
The Mayor
Cr James Leslie

(note: Once established, the Finance Committee can appoint additional members to this subcommittee as it considers appropriate including persons who are not members of the local authority, in accordance with Clause 31(3) Schedule 7 LGA.)

(2) Tekapo Property Group:

Membership:

The Subcommittee will be made up of the Chief Executive Officer, the Manager Finance and Administration, and not less than two Councillors, one of whom shall be the Chairperson of the Finance Committee:

The Mayor called for nominations for the position of committee member of the Tekapo Property Group.

Motion:

That Cr Murray Cox be nominated as committee member of the Tekapo Property Group.

Graham Smith/ Russell Armstrong

The motion was put and carried and the Mayor declared Cr Murray Cox be nominated as committee member of the Tekapo Property Group.

The Mayor asked for expressions of interest from any other members for the position of committee member of the Tekapo Property Group.

Cr Armstrong expressed an interest.

The Mayor asked for a nomination.

Motion:

That Cr Russell Armstrong be nominated as committee member of the Tekapo Property Group.

Murray Cox/ Graham Smith

There were no further nominations. The motion was put and carried and the Mayor declared Cr Russell Armstrong be nominated as committee member of the Tekapo Property Group.

Members: Cr Graham Smith
The Mayor
Cr Murray Cox
Cr Russell Armstrong

(note: Once established, the Finance Committee can appoint additional members to this subcommittee as it considers appropriate including persons who are not members of the local authority, in accordance with Clause 31(3) Schedule 7 LGA.)

7. That pursuant to clause 32(1) of Schedule 7 of the Local Government Act 2002, the Council delegates to each subcommittee the responsibilities, duties and powers set out under each subcommittee's terms of reference and scope, excluding those reserved to Council or any other committee.

Russell Armstrong/ Murray Cox

The Mayor thanked Ms Morrison for all her hard work and time she has delegated to establishing the committee structures and terms of references – excellent work.

Cr Smith suggested Leon O'Sullivan is contacted, thanked and advised his services are no longer required on the Tekapo Property Group.

2. COUNCIL AND COMMITTEE MEETING SCHEDULE FOR 2014:

Paul Morris spoke on the schedule for Council and Committee meetings for 2014.

Resolved that the report be received.

Graham Smith/ Murray Cox

Resolved:

1. That the attached schedule of meetings be noted.

Mackenzie District Council

Tuesday 18 February
 Tuesday 1 April
 Tuesday 13 May
 Tuesday 24 June
 Tuesday 5 August
 Tuesday 16 September
 Tuesday 28 October
 Tuesday 9 December

Asset and Services Committee

Tuesday 4 February	<i>Thursday 6 February – Reserve Day</i>
Tuesday 18 March	<i>Thursday 20 February - Reserve Day</i>
Tuesday 29 April	<i>Thursday 1 May – Reserve Day</i>
Tuesday 10 June	<i>Thursday 12 June – Reserve Day</i>
Tuesday 22 July	<i>Thursday 24 July – Reserve Day</i>
Tuesday 2 September	<i>Thursday 4 September – Reserve Day</i>
Tuesday 14 October	<i>Thursday 16 October – Reserve Day</i>
Tuesday 25 November	<i>Thursday 27 November – Reserve Day</i>

Finance Committee

Tuesday 4 February	<i>Thursday 6 February – Reserve Day</i>
Tuesday 18 March	<i>Thursday 20 February - Reserve Day</i>
Tuesday 29 April	<i>Thursday 1 May – Reserve Day</i>
Tuesday 10 June	<i>Thursday 12 June – Reserve Day</i>
Tuesday 22 July	<i>Thursday 24 July – Reserve Day</i>
Tuesday 2 September	<i>Thursday 4 September – Reserve Day</i>
Tuesday 14 October	<i>Thursday 16 October – Reserve Day</i>
Tuesday 25 November	<i>Thursday 27 November – Reserve Day</i>

Planning and Regulation Committee

Tuesday 4 February	<i>Thursday 6 February – Reserve Day</i>
Tuesday 18 March	<i>Thursday 20 February - Reserve Day</i>
Tuesday 29 April	<i>Thursday 1 May – Reserve Day</i>
Tuesday 10 June	<i>Thursday 12 June – Reserve Day</i>
Tuesday 22 July	<i>Thursday 24 July – Reserve Day</i>
Tuesday 2 September	<i>Thursday 4 September – Reserve Day</i>
Tuesday 14 October	<i>Thursday 16 October – Reserve Day</i>
Tuesday 25 November	<i>Thursday 27 November – Reserve Day</i>

Strategy and Policy Committee

Tuesday 4 February	<i>Thursday 6 February – Reserve Day</i>
Tuesday 29 April	<i>Thursday 1 May – Reserve Day</i>
Tuesday 22 July	<i>Thursday 24 July – Reserve Day</i>
Tuesday 14 October	<i>Thursday 16 October – Reserve Day</i>

The CEO asked for notification if there becomes a feeling that there is too much being scheduled for one day or vice versa, explaining this is what the reserve day is scheduled for.

The Mayor informed elected members the dress code for Council meetings is formal wear, a shirt and tie, workshops are casual dress and Committee meetings is up to the discretion of the Chairperson of each Committee.

The Mayor clarified that it is common practice to hold quarterly Council meetings in Twizel and called for input from elected members as to their preference. If elected members can please notify the Committee Clerk of any date preference for the Twizel meetings etc. before the New Year.

3. ESTABLISHMENT OF JOINT SOUTH CANTERBURY LOCAL ALCOHOL POLICY COMMITTEE:

The Manager, Planning and Regulation spoke to his paper that had been circulated with the agenda to establish and appoint membership to the joint South Canterbury Local Alcohol Policy Committee pursuant to section 41A, schedule 7 clauses 30, 31, 32 Local Government Act 2002.

Mr Hole updated and provided new members with background information on the proposed local alcohol policy.

Mr Hole said there is a hearing this Friday, 29 November 2013.

The Mayor said a Draft Alcohol Policy was recently released inviting submissions, people have submitted and will be heard at the hearing this Friday. After the hearing a recommendation will be made and will return to Council for adoption.

Resolved:

1. That the report be received.

Murray Cox/ James Leslie

2. That the Council approves the establishment of the joint South Canterbury Local Alcohol Policy Committee pursuant to schedule 7 clauses 30 and 31 Local Government Act 2002; and
3. That the Council notes the appointment of the Mayor pursuant to section 41A(5) Local Government Act 2002, and approves the appointment of Graham Smith pursuant to schedule 7 clause 31 Local Government Act 2002; and
4. That pursuant to schedule 7 clause 32 Local Government Act, the Council delegates to the Committee authority to hear submissions and make recommendations to Council on the proposed Local Alcohol Policy.

Noel Jackson/ James Leslie

4. REQUEST FOR GRANT FOR N SUMMERS:

The Mayor removed this item from the agenda as the correct request for grant application forms had not been completed and therefore this request must be applied for within the correct avenues. The Mayor said this request will be firstly recommended to The Twizel Community Board for consideration.

VII INFORMATION REPORTS:

1. CHIEF EXECUTIVE OFFICER'S REPORT:

This report from the Chief Executive Officer referred to the meetings he had attended and other activities from 6 November to 25 November 2013.

Resolved that the report be received.

Russell Armstrong/ Graham Smith

2. FINANCIAL REPORT – OCTOBER 2013:

This report from the Manager – Finance and Administration was accompanied by the financial report for the period to 30 October 2013.

Mr Morris explained the report in detail for the benefit of the new members. Council reports are reported to a high level undertaking multiple activities; Water, Sewage and Roading are all shown as separate activities. Reports will be in finer detail with regards to Community Facilities; Public Toilets, Medical Facilities etc., Recreation is Town Reserves and Maintenance. A commentary overview is provided at meetings, however I am happy to provide greater detail at an individual basis face to face, if you require more information, I am more than happy to do so.

The Mayor requested Planning and Regulations and Asset to have their own break down.

Mr Morris replied yes we can do that, various managers who are responsible for certain areas are also available for a more detailed break down and explanation.

The Mayor asked elected members for an indication in regards to the appetite for a finance workshop.

Mr Morris agreed stating a financial workshop for new elected members would be beneficial. A financial workshop will be held in the Fairlie Chambers on Wednesday 4 December at 1pm following the Tekapo Property Group workshop.

Resolved that the report be received.

Claire Barlow/ Noel Jackson

VIII ADJOURNMENT:

The meeting was adjourned at 11:15am and was reconvened at 11:55am.

VI REPORTS REQUIRING COUNCIL DECISIONS CONTINUED:

5. LOCAL AUTHORITIES MEMBERS' INTERESTS ACT 1968:

Mr Caldwell from Lane Neave Lawyers was welcomed by the Mayor to the Council meeting.

Mr Caldwell spoke to the paper that had been circulated with the agenda aided by a PowerPoint presentation. He provided an overview on the following:

- What is a conflict of interest?
- The Local Authorities (Members' Interests) Act 1968.
- The Disqualification (Contract) Rule Section 3.
- Examples of Indirect Interest or Concern.
- Exceptions.
- Important Things to Note.
- Obtaining Approval.
- Monitoring.
- Discussing or Voting at Meetings (Section 6).
- When is Your Interest "in common with the public"
- Some Examples of When it Might not be "in common with the public"
- Your Obligations On Matters Where You Have a Pecuniary Interest.
- Good Practice.
- Matters in Which the Pecuniary Interest Rule Does Not Apply.
- Declarations and Exemptions Which Allow You to Participate.
- Examples of Where Declarations/Exemptions Might Apply.
- Non-Pecuniary Conflicts of Interest: The Law about Bias.
- Types of Non Pecuniary Conflicts of Interest.
- Law about Bias – Background.
- Approach of the Courts.
- Situations Where Bias Might Exist: Predetermination.
- Situations Where Bias Might Exist: Close Relationship or Involvement.
- In Deciding Whether to Participate, You Should Consider.

Mr Caldwell provided an example with a sequence of events, actual effect of the proposal, findings from the OAG and the OAG decision.

Mr Caldwell concluded by saying there are a number of good reasons to not disclose the register to the media or make the information available via LGOIMA, the level of detail provided does not go down to financial business.

The Mayor said she feels a conflict of interests register is something that should be established this term and informed elected members they will be required to vote.

Cr Smith asked does the CEO or Mayor decide if there is a conflict of interest.

The Mayor said responsibility will fall on the elected members and asked for any further questions in regards to the register.

The CEO added this will be looked into.

Resolved

1. That the report be received.
2. That the Council develops a policy regarding the declaration of elected members business interests and spouse/partners declared business interests for inclusion in a Mackenzie District Council Register of Members' Interests.

Claire Barlow/ Russell Armstrong

Cr Smith voted against this motion.

IX PUBLIC EXCLUDED:

Resolved that the public be excluded from the following part of the proceedings of this meeting namely:

1. Plan Change 13

Reason for passing General subject of each matter to be considered	Ground(s) under this resolution in relation to each matter	Section 48(1) for the passing of this resolution
Plan Change 13	Maintain Legal Privilege	48(1)(a)(i)

This resolution is made in reliance on Section 48(1)(a)(i) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows: *Plan Change 13 7(2)(g)*.

Graham Smith/ Murray Cox

Resolved: that the meeting continue in open meeting.

Murray Cox/ James Leslie

CONFIRMATION OF RESOLUTION TAKEN WITH THE PUBLIC EXCLUDED:

Resolved: that the following resolution taken with the Public Excluded be confirmed:

Plan Change 13:

Resolved: that the Council does not appeal Environment Court decision 6 and 7 on Plan Change 13.

Claire Barlow/ Murray Cox

VII INFORMATION REPORTS CONTINUED:

2. FINANCIAL REPORT – OCTOBER 2013 CONTINUED:

Mr Morris returned to the meeting and continued the financial report commentary for October 2013.

3. BANCORP QUARTERLY REPORT – SEPTEMBER 2013:

This report has been included in the agenda is to inform Councillors of the performance of the Council's investment portfolio, which managed by Bancorp Treasury Services Limited.

Mr Morris informed new members of the process and purpose of Bancorp Treasury Service Limited.

Mr Morris was thanked by the Mayor and subsequently left the meeting.

Resolved: that the report be received.

Graham Smith/ Murray Cox

VIII ADJOURNMENT:

The meeting was adjourned at 12:26pm and was reconvened at 1pm.

X CONFIRMATION OF MINUTES:

Resolved: the Minutes of the meeting of the Mackenzie District Council held on 30 October 2013 including such parts as were taken with the public excluded be confirmed and adopted as the correct record of the meeting.

Murray Cox/Graham Smith

VII INFORMATION REPORTS CONTINUED:

4. ANNUAL REPORT SPORT CANTERBURY SOUTH CANTERBURY:

Circulated with the agenda was the Sport Canterbury South Canterbury annual report for member's information. Council makes an annual grant to Sport South Canterbury and an annual budget provision for this based on an original grant in 2003, \$4,000. This has been adjusted over time to reflect CPI adjustments and is now \$4,791.

Resolved: that the report be received.

James Leslie/ Russell Armstrong

Cr Smith said that we need to be happy that the schools in the District are benefiting from the grant. Cr Smith contacted Albury Primary School and Fairlie Primary School to gather feedback on the service provided to local schools in the district. Unfortunately the Principal at Albury School was absent on School Camp but the representative from Fairlie Primary stated they were happy with the service they had received.

Cr Leslie said that Twizel Area School had received some input from Sport South Canterbury in regards to golf tutoring.

The Mayor thanked Mr Nixon for his attendance and he left the meeting.

**THERE BEING NO FURTHER BUSINESS THE
MAYOR DECLARED THE MEETING CLOSED AT 1:15PM.**

MAYOR: _____
DATE: _____